IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 46425-M of 2006 (O&M)

DATE OF DECISION : 22.09.2006

Mohinder Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. N.S. Sodhi, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Mohinder Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 77 dated 23.6.2000 under Section 15/61/85 of the NDPS Act, registered at Police Station Makhu, District Ferozepur.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 5.6.2006, passed by Special Judge, Ferozepur, whereby bail application of the petitioner has been dismissed.

In the aforesaid case, 50 Kgs. 500 Grams of poppy husk was recovered. The petitioner was declared proclaimed offender on 28.9.2000. Thereafter, he filed a petition for anticipatory bail. His bail application was dismissed by the trial court as well as by this Court on August 13, 2002 in Crl. Misc. No. 33549-M of 2002. In spite of having knowledge of the pendency of the case, petitioner consciously and deliberately did not appear and was declared proclaimed offender and was arrested on 27.1.2006.

Keeping in view the aforesaid facts, I am not inclined to grant regular bail to the petitioner merely on the allegation as made in para 3 of the petition that at one point of time, the petitioner was found innocent,

whereas no such order was ever passed, as has been stated by the State counsel after having instructions from Ram Nath ASI.

At this stage, when the court was not inclined to grant the concession of regular bail to the petitioner, counsel for the petitioner stated that he may be permitted to withdraw this petition.

Dismissed as withdrawn.

September 22, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**